UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SMARTMATIC USA CORPORATION, SMARTMATIC INTERNATIONAL CORPORATION, and SMARTMATIC SERVICES CORPORATION Plaintiffs,)))) (iv. 13-05349 (KBF)
-V-)
DOMINION VOTING SYSTEMS CORPORATION and DOMINION VOTING SYSTEMS, INC.,)))
Defendants.)))

DECLARATION OF GEORGE W. SHUSTER, JR. IN SUPPORT OF DOMINION'S MEMORANDUM OF LAW (1) IN OPPOSITION TO PLAINTIFFS' MOTION TO REMAND AND FOR ABSTENTION AND (2) IN FURTHER SUPPORT OF DOMINION'S MOTION TO TRANSFER VENUE

I, GEORGE W. SHUSTER, JR., hereby declare under penalty of perjury as follows:

- 1. I am a partner at the firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. (collectively, "Dominion") in the above-captioned action. I respectfully submit this Declaration in support of Dominion's Memorandum of Law (1) In Opposition to Plaintiffs' Motion to Remand and for Abstention and (2) In Further Support of Dominion's Motion to Transfer Venue filed concurrently herewith.
- 2. Attached hereto as Exhibit A is a true and correct copy of the Notice of Removal, filed in *Smartmatic USA Corporation, Smartmatic International Corporation, and Smartmatic Services Corporation v. Dominion Voting Systems Corporation and Dominion Voting Systems, Inc.*, Civ. 13-05349 (KBF) (S.D.N.Y. July 31, 2013).

- 3. Attached hereto as Exhibit B is a true and correct copy of Schedule F Creditors Holding Unsecured Nonpriority Claims, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 18 (Bankr. D. Colo. June 22, 2010).
- 4. Attached hereto as Exhibit C is a true and correct copy of Smartmatic Corporation's Motion for Authority and Standing to Prosecute Causes of Action on Behalf of the Debtor or, in the Alternative, for Appointment of a Trustee, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 106 (Bankr. D. Colo. Sept. 21, 2012).
- 5. Attached hereto as Exhibit D is a true and correct copy of Smartmatic Corporation's Motion for Conversion of Chapter 11 Case to Case Under Chapter 7, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 103 (Bankr. D. Colo. Sept. 21, 2012).
- 6. Attached hereto as Exhibit E is a true and correct copy of the Order on Motion to Convert and Motion for Authority and Standing, or in the Alternative, for Appointment of Trustee, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 118 (Bankr. D. Colo. Oct. 16, 2012).
- 7. Attached hereto as Exhibit F is a true and correct copy of the Notice of Appointment of Interim Trustee, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 120 (Bankr. D. Colo. Oct. 17, 2012).
- 8. Attached hereto as Exhibit G is a true and correct copy of the Trustee's Motion for Approval of Funding Agreement with Smartmatic USA Corporation, filed in *In re SVS Holdings, Inc.*, Case No. 10-24238, Docket No. 139 (Bankr. D. Colo. Nov. 14, 2012).
- 9. Attached hereto as Exhibit H is a true and correct copy of the Colorado Complaint, filed in *Connolly v. Dominion Voting Systems Corporation and Dominion Voting*

Systems, Inc. (In re SVS Holdings, Inc.), Adv. Pro. No. 12-01757, Docket No. 1 (Bankr. D. Colo. Dec. 7, 2012).

10. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York September 9, 2013

/s/ George W. Shuster, Jr.
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